



06-CR-05214-ORD

FILED	LOGGED
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AUG 21 2006	
CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SABRINA K. HOWE,

Defendant.

NO. CR06-5214

FINDINGS AND ORDER ACCEPTING  
DEFENDANT FOR DEFERRED  
PROSECUTION, APPROVING  
TREATMENT PLAN, AND DIRECTING  
DEFENDANT TO TAKE TREATMENT  
AS PRESCRIBED

(Clerk's Action Required)

THIS MATTER, coming on for hearing this 21st day of August, 2006, upon the Defendant's Petition for Deferred Prosecution; the Defendant appearing in person and by her attorney, Michael Filipovic, Assistant Federal Public Defender; the United States of America being represented by Lt. Robert Staley, Special Assistant United States Attorney; the Court, having examined and incorporated into the record Defendant's Petition and Statement in support of deferred prosecution, the evaluation and treatment reports prepared by Okanogan Behavioral Health Care and Action Counseling, and the files and records herein, being fully advised in the premises, does now make and enter the following:

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///

FINDINGS AND ORDER ACCEPTING  
DEFENDANT FOR DEFERRED PROSECUTION  
(SABRINA K. HOWE) - CR06-5214 -

FEDERAL PUBLIC DEFENDER  
1601 Fifth Avenue, Suite 700  
Seattle, Washington 98101  
(206) 553-1100

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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
Office of the Clerk  
(253) 593-6313**

US District Court  
PO Box 1493  
Spokane WA 99210

August 17, 2006

Re: Patrick Allen Hansen  
Your No: 2:95CR00190-00  
Our No: 06-5146M

Dear Clerk:

Enclosed are certified copies of the following documents in the above referenced case pursuant to Rule 5, Federal Rules of Criminal Procedure:

1. Waiver of Rule 5 and Order of Transfer
2. Docket Sheet

Defendant Hansen was arrested on August 8, 2006, and had an initial appearance before Magistrate Judge J Kelley Arnold on that date. The defendant signed the Waiver of Rule 5 Hearing and the Court signed an Order of Transfer. The defendant was ordered detained and was remanded to the custody of the United States Marshals for transportation to your district for further proceedings.

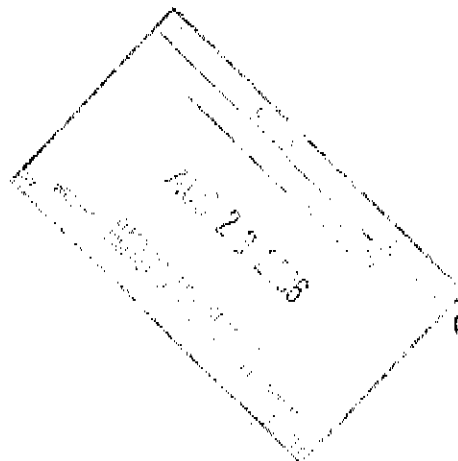
Please acknowledge receipt on the enclosed copy of this letter and return it in the provided business reply envelope.

Sincerely,

s/Kelly A. Miller  
by Kelly A. Miller, Deputy Clerk

Enclosures

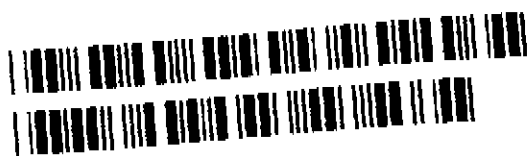
cc: Cheryl Walkden (AUSA)



**RECEIVED**

AUG 21 2006

CLERK, US DISTRICT COURT  
SPOKANE, WASHINGTON



06-MJ-05146-RCPT

**I. FINDINGS OF FACT**

A. On or about the 16th day of March, 2006, Defendant was charged with the offense/offenses charged in the Information. This offense occurred as a direct result of alcoholism/chemical dependency problems;

B. Defendant suffers from an alcohol/drug problem and is in need of treatment;

C. The probability of similar misconduct in the future is great if the problem is not treated;

D. Defendant is amenable to treatment;

E. An effective rehabilitative treatment plan is available to Defendant through Okanogan Behavioral Health Care Chemical Dependency Programs, an approved treatment facility as designated by the laws of the State of Washington, and Defendant agrees to be liable for all costs of this treatment program;

F. That Defendant agrees to comply with the terms and conditions of the program offered by the treatment facility, as set forth in the diagnostic evaluation from Okanogan Behavioral Health Care attached to Statement of Defendant filed herewith, and that Defendant agrees to be liable for all costs of this treatment program;

G. That Defendant has knowingly and voluntarily stipulated to the admissibility and sufficiency of the facts as contained in the written police report attached to Statement of Defendant filed herewith.

H. That Defendant has acknowledged the admissibility of the stipulated facts in any criminal hearing or trial on the underlying offense or offenses held subsequent to revocation of this Order Granting Deferred Prosecution and that these reports will be used to support a finding of guilt;

From the foregoing FINDINGS OF FACT, the Court draws the following:

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## II. CONCLUSIONS OF LAW

A. That the above-entitled Court has jurisdiction over the subject matter and Defendant Sabrina K. Howe, in this case;

B. That Defendant's Petition for Deferred Prosecution meets the requirements of RCW 10.05 et seq.;

C. That the diagnostic evaluation and commitment to treatment meets the requirements of RCW 10.05.150;

D. That Defendant is eligible for deferred prosecution.

## III. ORDER

Having made and entered the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, it is hereby

ORDERED that the Defendant is accepted for deferred prosecution. The prosecution of the above-entitled matter is hereby deferred for a five (5) years pursuant to RCW 10.05 et seq., upon the following terms and conditions:

A. Defendant shall be on probation for the deferral period and follow the rules and regulations of probation;

B. Defendant shall enroll in and successfully complete the two-year treatment program recommended by Behavioral Counseling and to be performed by Okanogan Behavioral Health Care, according to the terms and conditions of that plan as outlined in the diagnostic evaluation, a true copy of which is attached to the Petition and incorporated herein by reference. Defendant shall not change treatment agencies without prior Probation approval;

C. The treatment facility Okanogan Behavioral Health Care shall file with the United States Probation Office status reports of Defendant's compliance with treatment, monthly during the first year of the deferred prosecution period and every three (3) months during the second year. The Court may increase the frequency of these reports at its

1 discretion;

2 D. Defendant shall notify U.S. Probation within 72 hours of any residence change.

3 E. Defendant shall abstain during the deferred prosecution period from any and all  
4 consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

5 F. Defendant shall not operate a motor vehicle on the public highways without a  
6 valid operator's license and proof of liability insurance sufficient to comply with the state laws  
7 on financial responsibility;

8 G. Defendant shall be law abiding and shall not commit any alcohol/drug related  
9 offenses or other criminal offenses during the period of deferral,

10 H. Defendant shall notify U.S. Probation within 72 hours of being arrested,  
11 questioned, or cited by Law Enforcement;

12 I. In the event that Defendant fails or neglects to carry out and fulfill any term or  
13 condition of her treatment plan or violates any provision of this Order or any rule or regulation  
14 of her probation officer, upon receiving notice, the Court shall hold a hearing to determine  
15 why Defendant should not be removed from deferred prosecution and prosecuted for the  
16 offense/offenses charged;

17 J. In the event the Court finds cause to revoke this deferred prosecution, the  
18 stipulated police reports shall be admitted into evidence, and Defendant shall have her guilt or  
19 innocence determined by the Court;

20 K. That the statement of Defendant for Deferred Prosecution shall remain sealed,  
21 and all subsequent reports or documents relating to her treatment information shall be sealed,  
22 to maintain confidentiality of Defendant's treatment information;

23 L. That the Department of Licensing be notified of this Order accepting the  
24 Defendant for deferred prosecution;

25 M. Upon proof of Defendant's successful completion of five years deferral period  
26 in this Order, the Court shall dismiss the charges pending against Defendant.

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N. Additional conditions: Treatment conditions set forth

in Behavioral Healthcare report dated 8/15/06.

DONE IN OPEN COURT this 21 day of August, 2006.

  
SHELLEY ARNOLD  
UNITED STATES MAGISTRATE JUDGE

Presented by:

s/ Michael Filipovic  
WSBA No. 12319  
Assistant Federal Public Defender  
Attorney for Sabrina K. Howe  
Federal Public Defender  
1601 Fifth Avenue, Suite 700  
Seattle, WA 98101  
Tel. (206) 553-1100  
Fax (206) 553-0120  
Michael\_Filipovic@fd.org

I have received a copy of the foregoing Order of Deferred Prosecution. I have read and understand its contents, and agree to abide by the terms and conditions set forth herein.

Dated: 08/22/2006

  
Sabrina K. Howe  
Defendant

I certify that a copy of this signed Order was mailed to the subject treatment facility, on \_\_\_\_\_, 2006. The United States Probation Office was also furnished a copy of this Order.

CLERK

FINDINGS AND ORDER ACCEPTING  
DEFENDANT FOR DEFERRED PROSECUTION  
(SABRINA K. HOWE) - CR06-5214-

FEDERAL PUBLIC DEFENDER  
1601 Fifth Avenue, Suite 700  
Seattle, Washington 98101  
(206) 553-1100

1 N. Additional conditions: Treatment conditions set forth

2 in BEHAVIORAL HEALTHCARE report dated 8/15/06.

3  
4  
5 DONE IN OPEN COURT this 21 day of August, 2006.

6  
7  
8   
9 J. KELLEY ARNOLD  
UNITED STATES MAGISTRATE JUDGE

10 Presented by:

11 s/ Michael Filipovic  
12 WSBA No. 12319  
13 Assistant Federal Public Defender  
Attorney for Sabrina K. Howe  
14 Federal Public Defender  
1601 Fifth Avenue, Suite 700  
15 Seattle, WA 98101  
Tel. (206) 553-1100  
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Michael\_Filipovic@fd.org

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20 Dated: \_\_\_\_\_  
21 Sabrina K. Howe  
Defendant

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26 \_\_\_\_\_  
CLERK

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